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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,540	08/29/2001	John Raymond Arthur	DEE6270P0180US	1886
41528	7590	09/27/2004	EXAMINER	
THE LAW OFFICE OF RANDALL T. ERICKSON, P.C. 425 WEST WESLEY STREET, SUITE 1 WHEATON, IL 60187			PEDDER, DENNIS H	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/945,540

Applicant(s)

ARTHUR ET AL.

Examiner

Dennis H. Pedder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 16-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/30/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1,4,7,13-14, 22, 35, 41 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Harris .

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Harris, cited by applicant, has a cab disclosed as useful in a truck or tractor, tractor being used here in the sense of a traction vehicle that pulls, often used to describe a vehicle pulling a trailer.

Harris has integral floor 35 and fender structure 36 of plastic material and supported on a chassis 25, a metal cab frame structure 22 shown in cross section. The metal is deemed to be steel. However, steel is of common knowledge in the art as a metal of priority in constructing cab frames with a desirable combination of strength, formability and weight. Harris has side members supported on the plastic material and fixed as seen in figure 5. The cab frame extends upwardly and the side members 63 extend longitudinally from front to rear of the cab frame.

Claims 4,7 are self-explanatory from the drawings.

As to claim 13, see integral upwardly facing channels at figure 7 and raised features 39 at rear.

As to claim 14, see feature below 37 for a step.

As to claim 22, see raised portion at forward end for pedal controls.

As to claim 41, see figure 5.

5. Claims 19-20, 25, 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris.

Paragraph 4 above is incorporated by reference.

The vehicle of Harris is a utility vehicle and side members 63 connect front 60 and rear columns 61.

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As to claim 25, the bottom side members 63 are secured within the recesses shown in figure 7.

6. Claims 6, 21, 23, 24, 33-34, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris.

Reinforced portions for interface with isolation mounts are common knowledge in the art.

As applicant has not challenged this statement of judicial notice, it is made final.

As to claim 21, adhesive securement is common knowledge in the art, obvious to use here to increase retention.

As to claims 23-24, recessed rails for electrical and mechanical chases are common knowledge in the art, obvious to use here to avoid stepping on wires and linkage.

7. Claims 2, 3, 5, 8-12, 16, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Taylor.

It would have been obvious to one of ordinary skill to provide in Harris a contoured floor body panel as taught by Taylor with fiberglass laminated between top and bottom layers of plastic material, RIM being a process not given patentable weight in a product claim, in order to strengthen the floor.

As to claim 5, Taylor has rail portions at side edge extending into the foot area.

As to claim 12, Taylor's plastic is deemed substantially homogeneous.

As to claim 16, see shelf at 35c of Harris.

8. Claims 17-18, 29, 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Bonnet et al..

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It would have been obvious to one of ordinary skill to provide in Harris a contoured body floor panel with integral raised areas for forming door and window sealing surfaces as taught by Bonnet et al. in figure 2. Such features form an extended sealing interface for door and window seals.

As to claim 40, see seat and seatback supporting areas 35b and rear wall 35c, d.

### *Response to Arguments*

9. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

Note that although applicant has not limited the tractor to the structure of an agricultural tractor, such limitations would not be deemed allowable in view of the clearly analogous reference to Steyer.

### *Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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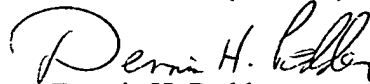
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (703) 308-2178.

The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dennis H. Pedder  
Primary Examiner  
Art Unit 3612

9/21/04

DHP  
9/21/04